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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/611,834 | 07/01/2003 | Claudio Caldato | 60980084-3 | 3047 |

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

BAYAT, ALI

ART UNIT PAPER NUMBER

2625

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/611,834 | Applicant(s) CALDATO ET AL. | |
| | Examiner Ali Bayat | Art Unit 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-15 is/are rejected.
- 7) ☒ Claim(s) 8-11 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1-9, 10,11,18 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1-9,11,12, 10 of prior U.S. Patent No. 6,665,435 respectively. This is a double patenting rejection.

Claims 12,15 and 16 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 13 of prior U.S. Patent No. 6,665,435. This is a double patenting rejection.

Claims 12,15 and 17 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 14 of prior U.S. Patent No. 6,665,435. This is a double patenting rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to

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a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7,12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beretta et al. (U.S. 5,883,979) in view of Accad U.S. 5,982,937).

In regard to claim 1, Beretta provides for an image data processing method receiving an input image data split into elementary units of information (Fig.11 element 136) characterized in that it provides an output image data (Fig.11 element 154) with a particular image format (col.13 lines 31-32. note variety of different formats) depending on the requirements of a final device receiving such output image data (Fig.11 element 154. see printer), comprising the following steps: step 1) identifying the final device which receives the output data (Fig.11 element 154. see printer col.14 lines 10-14); step 2) getting the input image data (Fig.11 element 136 col.13 lines 35-40. note color scanner) ; step 3) from a repository of basic imaging operations selecting a plurality of operations to be performed on said input image data (Fig.11 elements 138 and 140, col.13 lines 40-50);step 4) creating a sequence of operations that links and ordinate said plurality of operations (Fig.11 elements 136,138,140 and 142); but Beretta does not specifically provide for step 5 and step 6) applying said sequence to the input image data, to create a plurality of layers of organized data of said input image data ; assembling said plurality of layers into at least an output layer which best fit the requirements of the identified final device; however in the same filed of endeavor Accad teaches the above limitations (Fig.3 element 210 which is lossless compression, element 220 which is lossy compression col.8 lines 11-38 and element 330 col.10 lines

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40-43) and step 7) sending said assembled output layer (Fig.11 element 144) to the identified final device (Fig.11 element 154, see printer). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Accad with system and method of Beretta, because one of the objects of Accad invention is to determine the different types of structures that may exist in already rasterized data and selectively applying appropriate compression procedures thereto and to minimize the memory requirement for a print or frame buffer (col.2 lines 44-53).

With regard to claim 2, Beretta provides for an image data processing method, wherein in said steps 3 to 5, each sequence yields to a unique result (Fig.11 elements 136 " scanning" element 138 "corrections & transformations engine, element 140 " JPEG compression engine").

As to claim 3. See claim 1 above. It recites similar limitation as claim 1. Hence it is similarly analyzed and rejected.

In regard to claim 4, Beretta provides for an image data processing method, wherein said repository comprises a compression function comprising in turn the G4 and JPEG compression methods (Fig.11 element 140, col.13 lines 48-54).

With regard to claim 5, Beretta does not specifically provides for an image data processing method wherein, said repository comprises an AND function used in combination with a black & white mask. However in the same filed of endeavor Accad teaches the above limitation (Fig.3 element 330 col.10 lines 40-43).

In regard to claims 6 and 7, Beretta does not specifically provide for An image data processing method wherein, said repository comprises a re-mapping function

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selecting a portion of the input image data and distributing or re-scaling the information contained in such portion over the all image data space, and that the content of the input image data is concentrated in said selected portion. However in the same filed of endeavor Accad teaches the above limitations (Fig.3 element 130 note the patch type discriminator which provides for Type 1 patch for text or line art objects and Type 2 patch for image and photo objects col.6 lines 45-66). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Accad with system and method of Beretta, because " thus, even in rasterized form, text or line art objects can generally be recognized and distinguished from image or photo objects. Appropriate compression procedures can then be applied to each type of data to optimally attain efficient compression while maintaining quality col.3 lines 25-30".

As to claim 12 see claim 1 above. It recites similar limitations as claim 12. Hence it is similarly analyzed and rejected.

With regard to claim 13 Beretta provides for unit of processing called transforms (Fig.11 element 138 col.13 lines 41-47); unit of work called packets (Fig.11 element 142 col.13 lines 54-63); unit of transportation called ports (Fig.11 element 144 col.13 lines 54-63), said subsystems providing for transformations of input image data (Fig.11 element 136), independent data representation and connections between the transforming units (Fig.11 elements 136-144).

In regard to claim 14 Beretta provides for an image processing device wherein said transforms process data in a context independent fashion), that being there in not

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implied knowledge coupled between transforms influencing the means of process data (Fig.11 element 142 col.13 lines 50-63).

As to claim 15 Beretta provides for a configurable image processing device wherein, a sequence of basic operations providing for a re-mapping architecture (Fig.11 elements 146-154).

Allowable Subject Matter

3. Claims 8-11 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. And the 101 rejection is also overcome.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915. The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5631.

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Ali Bayat

A.B.

Patent examiner

Group Art Unit 2625

2/3/05


KANUBHAI PATEL
PRIMARY EXAMINER